

Prob 12C
(Rev. 1/06 D/HI)

SEALED BY ORDER OF THE COURT

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 22 2006
at 11 o'clock and 10 min. h
SUE BEITIA, CLERK

U.S.A. vs. MARC SHIROMA Docket No. CR 02-00492HG-01 and
CR 99-00336HG-01

SECOND AMENDED REQUEST FOR COURSE OF ACTION (Statement of Alleged Violations of Supervised Release)

COMES NOW MERILEE N. LAU, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Marc Shiroma, who was placed on supervision by the Honorable Helen Gillmor, sitting in the Court at Honolulu, Hawaii, on the 21st day of April, 2003, who fixed the period of supervision at 3 years as to Criminal Nos. CR 02-00492HG-01 and as to CR 99-00336HG-01 fixed the period of supervision at 2 years, all such terms to be served concurrently, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

As to Criminal No. CR 02-00492HG-01:

1. That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office.
2. That the defendant is prohibited from possessing any illegal or dangerous weapons.
3. That the defendant shall provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
4. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
5. The defendant shall cooperate in the collection of DNA as directed by the Probation Office.
6. That restitution of \$9.79 is due immediately to the Hawaii National Bank, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income.

SEALED
BY ORDER OF THE COURT

As to Criminal No. CR 99-00336HG-01:

1. That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office.
2. That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
3. That the defendant provide the Probation Office access to any requested financial information.
4. That the defendant is prohibited from possessing any illegal or dangerous weapons.

On 7/5/2006, during a further hearing on order to show cause why supervised release should not be revoked, the Court ordered that the defendant be placed into the Sand Island Treatment Center's residential program, where he shall remain until clinically discharged.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:Alleged Violation(s) of Supervised Release

That the petition for Request for Course of Action filed on 4/19/2006 and 9/21/2006 be amended to include the following additional charge:

3. That on or about 9/20/2006, the offender engaged in conduct constituting Bank Robbery, in violation of the General Condition and 18 U.S.C. § 2113 (a), a Class C felony.

Based on the above, the U.S. Probation Officer recommends that the Request for Course of Action filed on 4/19/2006 and 9/21/2006 be amended to include the above-noted additional violation and that a NO BAIL Warrant be issued and that the subject be brought before the Court to show cause why supervision should not be revoked.

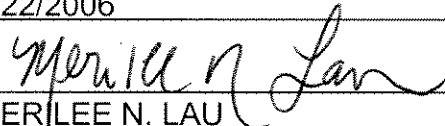
PRAYING THAT THE COURT WILL ORDER ONE OF THE FOLLOWING COURSES OF ACTION:

☒ The Request for Course of Action filed on 4/19/2006 and 9/21/2006 be amended to include the above-noted additional violation and that a NO BAIL Warrant be issued and that the subject be brought before the Court to show cause why supervision should not be revoked. The NO BAIL warrant and this Petition to be sealed for other than law enforcement purposes and until such time that the subject has been arrested and the warrant duly executed.

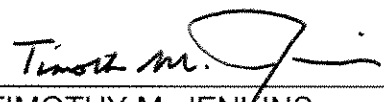
☐ Other

I declare under penalty of perjury that the foregoing is true and correct

Executed on 9/22/2006


MERILEE N. LAU
U.S. Probation Officer

Approved by:


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

ORDER OF COURT

THE COURT ORDERS that the Request for Course of Action filed on 4/19/2006 and 9/21/2006 be amended to include the above-noted additional violation and that a NO BAIL Warrant be issued and that the subject be brought before the Court to show cause why supervision should not be revoked. The NO BAIL Warrant and this Petition to be sealed for other than law enforcement purposes and until such time that the subject has been arrested and the warrant duly executed.

Considered and ordered this 22nd day of September, 2006, and ordered filed and made a part of the records in the above case.

A handwritten signature in black ink, appearing to read 'H. Gillmor', is written over a horizontal line.

HELEN GILLMOR
Chief U.S. District Judge

Re: **SHIROMA, Marc**
Criminal Nos. CR 02-00492HG-01 and CR 99-00336HG-01
REVOCATION OF SUPERVISED RELEASE

STATEMENT OF FACTS

Violation No. 3 - Engaged in conduct constituting Bank Robbery:

On 9/21/2006, this officer received a telephone call from Detective Brian Johnson of the Honolulu Police Department (HPD). Detective Johnson advised that the offender was in HPD custody for robbing the First Hawaiian Bank located at 2 North King Street in Honolulu on 9/20/2006 at approximately 1:05 p.m. According to the detective, the offender passed a demand note to the teller which said, "give me the money." The teller gave him approximately \$430 and the offender left the bank. The detective related that the offender reported to the Chinatown police substation close to midnight on the same day. He then admitted to having committed the bank robbery and surrendered himself to the police.


The offender was interviewed by Detective Brian Johnson on 9/21/2006 and admitted to robbing the First Hawaiian Bank on 9/20/2006. He further stated that after robbing the bank, he walked around Chinatown looking for "ice" but could not find any. He then caught the bus to Waikiki. The offender related to Detective Johnson that he consumed alcohol in Waikiki. The offender then caught the bus and returned to Chinatown and turned himself in to the Chinatown police substation.

According to Detective Johnson, the offender is being charged with Bank Robbery. According to the U.S. Marshals Service, our revocation warrant will be lodged as a detainer pending further proceedings on the new Bank Robbery charge. It is respectfully recommended that the Request for Course of Action filed on 4/19/2006 and 9/21/2006 be amended to include the above-noted additional violation.

Respectfully submitted by,


MERILEE N. LAU
U.S. Probation Officer

Approved by:


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

MNL/dck

Re: **SHIROMA, Marc**
Criminal Nos. CR 02-00492HG-01 and CR 99-00336HG-01
REVOCATION OF SUPERVISED RELEASE
STATEMENT OF FACTS - Page 2

**NOTICE OF ADDITIONAL CONDITION(S) OF SUPERVISION THAT MAY WARRANT
CONSIDERATION**

That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.